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SUBJECT: IN BLOW TO JUDICIARY, WELL-KNOWN JUDGE SLAIN

REF: A. 05 MANILA 5914

[B](#). 05 MANILA 5749

[C](#). 05 MANILA 5521

[D](#). 05 MANILA 3955

[1](#). (U) This message is Sensitive but Unclassified -- Please handle accordingly.

[2](#). (SBU) Summary: A well-known Metro Manila trial judge was murdered in a drive-by shooting on December 31. Police have arrested seven men in connection with the attack. The Supreme Court has demanded that the GRP thoroughly investigate the crime and take steps to protect judges. The killing -- the 10th of a judge in the past five years (all unresolved) -- highlights the Philippines' continuing rule of law problems. End Summary.

Slaying of Well-Known Judge

[3](#). (SBU) On December 31, two men riding on a motorcycle shot and killed Judge Henrick Gingoyon of the Pasay City Regional Trial Court at a town in Cavite Province located just south of Manila. Gingoyon had gained notoriety in 2004 when he ordered the Philippine government to pay 3 billion pesos (approximately USD 60 million) to the Philippine International Air Terminals Company (PIATCO) as compensation in the takeover of the as-yet unopened Ninoy Aquino International Airport Terminal 3 (NAIA-3) -- see ref D. (Note: The Supreme Court recently upheld Gingoyon's ruling on the PIATCO case. The opening of the terminal -- now scheduled for sometime in 2006 -- has been delayed for years by allegations of corruption and resulting litigation. End Note.) He also gained attention in 2005 after objecting to the promotion of a police chief in Cavite (a notorious area for violence), whom he accused of planting evidence to justify arrests. Gingoyon was also the judge in terrorist-related cases, including one in which he sentenced Agus Dwikarna, an Indonesian national, to 10-17 years in prison for illegal possession of explosives linked to a series of lethal bombings in Manila in 2000.

Arrest of Suspects

[4](#). (SBU) Justice Secretary Raul Gonzalez has initiated an investigation of the murder through the National Bureau of Investigation (NBI), which has created "Task Force Gingoyon" to investigate the crime. According to press reports, the

NBI has arrested seven suspects, including three that have been "positively identified" by eyewitnesses. The NBI has stated that it believes the three may have been paid 150,000 pesos (USD \$2,800) to assassinate the judge. Authorities have not yet established a motive, however. According to police officials, Gingoyon had received death threats in the weeks before his murder. There are no indications at this point that the crime was linked to Gingoyon's hearing of terrorist-related cases.

Supreme Court Lashes Out

15. (SBU) The Supreme Court -- in its watchdog role as head of the judiciary -- and several NGOs have spoken out against the crime, urging decisive action by authorities. Ismael Khan, a Supreme Court official, told A/Pol/C on January 4 that the Supreme Court was "very worried" by the killing and "very angered." Gingoyon was a "highly-respected judge, known for his fierce independence," he related. The Supreme Court, he noted, has publicly demanded that the GRP take immediate steps to solve the case and to protect judges, but was "not happy" with the government's steps, thus far. Khan asserted that the killing of Gingoyon "added to the environment of fear in the judiciary that makes judges think twice about their rulings." The Free Legal Assistance Group, a local NGO working on legal issues, also issued a statement condemning the attack, stating that "The killing of any judge is an attack on the independence and integrity of the judiciary."

Comment

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16. (SBU) The slaying of Judge Gingoyon -- which has received considerable press coverage -- is the 10th of a judge in the Philippines in the past five years. All of the cases are unresolved. Coming on top of the ongoing killings of journalists and leftist activists (ref B), as well as the dozens of extra-judicial slayings of alleged criminals (ref C), the killings of jurists serve to highlight the country's endemic rule of law problems.

JONES